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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,155	09/15/2000	Joseph P. Ligoci Sr.	00-0384	2672
7590	02/06/2004		EXAMINER	
Ivar M Kaardal Kaardal & Associates P C 3500 South First Ave Circle-Suite 250 Sioux Falls, SD 57105-5802			DALENCOURT, YVES	
			ART UNIT	PAPER NUMBER
			2635	9
DATE MAILED: 02/06/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/663,155	LIGOCI SR. ET AL.	
	Examiner Yves Dalencourt	Art Unit 2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 20 November 2003.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,4-10 and 12-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,4-10 and 12-14 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

This office action is responsive to amendment filed on 11/20/2003.

Response to Amendment

The examiner has acknowledged the amended specification, the amended drawings, the amended abstract, and the amended claim 5.

Response to Arguments

Applicant's arguments filed on 11/20/03 have been fully considered but they are not persuasive.

In response to Applicant's arguments (page 12 and 13), the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971). In this case, Szwed provides a device that shuts off the fuel flow to the engine, thereby disabling the car, and Walker further teaches the idea of lowering an engine speed of the vehicle to an idle condition for the purpose of preventing unauthorized use of a vehicle accounting for the possibility of the vehicle being in motion.

It has been held that the test for obviousness is not whether the features of one reference may be bodily incorporated into the other to produce the claimed subject

matter but simply what the combination of references makes obvious to one of ordinary skill in the pertinent art. *In re Bozek*, 163 USPQ 545 (CCPA 1969).

In view of such, the rejection is sustained and repeated as follow:

Claim Rejections - 35 USC § 103

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 2 - 7, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer), and further in view of Richard C. Walker (US 6157317; hereinafter Walker).

Regarding claims 1, 5, and 14, Szwed teaches a vehicle disabling system (figure 1) which comprises a vehicle control unit for positioning in a vehicle (16, figure 1; col. 3, lines 28 - 31); a central database station including memory for storing a plurality of identification codes of vehicle control units, an authorization code being associated in the memory with each of the identification codes of the vehicle control units (col. 4, lines

40 - 47); and a mobile law enforcement unit for positioning in a law enforcement vehicle (12 & 18, figure 1; col. 4, lines 28 - 31), the law enforcement unit including means for transmitting the stop signal with the authorization code via free space to the vehicle control unit upon the receipt of the authorization code from the central database station (col. 4, lines 27 - 59).

Szwed teaches all the limitations but fail to specifically teach a vehicle disabling system which comprises a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an identification code from the vehicle control unit and transmitting the identification code to central database station.

However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an

identification code from the vehicle control unit and transmitting the identification code to central database station (figure 5; col. 2, lines 28 – 53; paragraph bridging col. 7 & col. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit situated within a vehicle including a transceiver for transmitting and receiving signals via free space, the transceiver including means for receiving an inquiry signal and transmitting an identification code upon the receipt of the inquiry signal; the law enforcement unit including a transceiver for transmitting and receiving signals via free space, the law enforcement unit including means for transmitting the inquiry signal to the vehicle control unit, the law enforcement unit including means for receiving an identification code from the vehicle control unit and transmitting the identification code to central database station in Szwed's device as evidenced by Sterzer because Szwed suggests using an inquiry between the law enforcement vehicle and the dispatcher to identify the vehicle and Sterzer further teaches an inquiry between the law enforcement and the vehicle for the purpose of remotely identifying or controlling a fast moving vehicle.

Szwed and Sterzer teach all the limitations, but fail to specifically teach that the vehicle control unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal.

However, Walker teaches, in the same field of endeavor, a secure communication and control system for monitoring, recording, reporting and/or restricting unauthorized use of vehicle which comprises a control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (col. 13, lines 35 – 49; col. 14, lines 32 – 56; col. 21, lines 36 - 46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal in Szwed and Sterzer's device as evidenced by Walker because Szwed suggests cutting the flow of fuel to the fuel line in order to stop the car and Walker further teaches lowering an engine speed of the vehicle to an idle condition for the purpose of preventing unauthorized use of a vehicle accounting for the possibility of the vehicle being in motion .

Regarding claims 2, 4, and 6 - 7, Szwed, Sterzer, and Walker teach all the limitations on claim 1, and Walker further teaches a vehicle control unit which includes means for connecting to at least one exterior light circuit of the vehicle such that exterior

lights of the vehicle are flashable by the vehicle control unit upon receipt of the inquiry signal by the transceiver to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 2); and which includes means for connecting to a horn of the vehicle such that the vehicle control unit actuates the horn of the vehicle upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (claim 4) (col. 24, lines 17 – 39).

Claims 8 – 10 and 12 - 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryszard F. Szwed (US 5861799; hereinafter Szwed) in view of Fred Sterzer (US 4001822; hereinafter Sterzer), and further in view of Richard C. Walker (US 6157317; hereinafter Walker).

Regarding claims 8 – 10, Szwed teaches a method of disabling a vehicle (figure 1) which comprises the steps of providing a vehicle control unit for positioning in the vehicle (16, figure 1; col. 3, lines 28 - 31); providing a central database station including memory for storing a plurality of identification codes of vehicle control units, the memory of the central database storing an authorization code associated with each of the identification codes of the vehicle control units (col. 4, lines 40 - 47); providing a mobile law enforcement unit for positioning in a law enforcement vehicle (12 & 18, figure 1; col. 4, lines 28 - 31); transmitting a stop signal from the law enforcement unit to the vehicle control unit; and matching an authorization code from the memory of the central database station to the identification code (col. 4, lines 27 – 59).

Szwed teaches all the limitations but fail to specifically teach a method of disabling a vehicle which comprises the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station.

However, Sterzer teaches in an art related field of vehicle identification system, an electronic license plate for motor vehicle which comprises the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station (figure 5; col. 2, lines 28 – 53; paragraph bridging col. 7 & col. 8).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the steps of providing a vehicle control unit which includes a transceiver for transmitting and receiving signals via free space; transmitting an inquiry signal from the law enforcement unit to the vehicle control unit ; transmitting an identification code from the vehicle control unit to the law enforcement unit; and transmitting the identification code from the law enforcement to the central database station in Szwed's device as evidenced by Sterzer because Szwed suggests using an

inquiry between the law enforcement vehicle and the dispatcher to identify the vehicle and Sterzer further teaches an inquiry between the law enforcement and the vehicle for the purpose of remotely identifying or controlling a fast moving vehicle.

Szwed and Sterzer teach all the limitations, but fail to specifically teach that the vehicle control unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal.

However, Walker teaches, in the same field of endeavor, a secure communication and control system for monitoring, recording, reporting and/or restricting unauthorized use of vehicle which comprises a control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within a predetermined amount of time after receipt of the inquiry signal (col. 13, lines 35 – 49; col. 14, lines 32 – 56).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a vehicle control unit that unit includes means for connection to an ignition system of the vehicle, the vehicle control unit including means for lowering an engine speed of the vehicle to an idle condition upon the receipt by the transceiver of a stop signal accompanied by an authorization code via free space within

a predetermined amount of time after receipt of the inquiry signal in Szwed and Sterzer's device as evidenced by Walker because Szwed suggests cutting the flow of fuel to the fuel line in order to stop the car and Walker further teaches lowering an engine speed of the vehicle to an idle condition for the purpose of preventing unauthorized use of a vehicle accounting for the possibility of the vehicle being in motion.

Regarding claims 12 and 13, Szwed, Sterzer, and Walker teach all the limitations on claim 10, and Walker further teaches a method of disabling a vehicle which comprises the steps of actuating a horn of the vehicle upon the receipt by the vehicle control unit of the stop signal accompanied by the authorization code (claim 12); and flashing exterior lights of the vehicle by the vehicle control unit upon receipt of the inquiry signal by the vehicle control unit to provide external visual confirmation of receipt of the inquiry signal by the vehicle control unit (claim 13) (col. 24, lines 17 – 39).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Yves Dalencourt

January 29, 2004



BRIAN ZIMMERMAN
PRIMARY EXAMINER